

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

REGMON L. HAWKINS, on behalf of  
himself and all others similarly situated,

Plaintiff,

v.

S2VERIFY, LLC,

Defendant.

No. C 15-03502 WHA

**ORDER DENYING MOTION  
TO STAY DISCOVERY AND  
MODIFYING CLASS  
CERTIFICATION DEADLINE**

In this putative class action regarding alleged violations of the Fair Credit Reporting Act, defendant S2Verify has moved for a stay of all discovery pending the Supreme Court's decision in *Spokeo, Inc. v. Robbins*, in which oral argument took place on November 2. In *Spokeo*, the question pending before the Supreme Court is:


Whether Congress may confer Article III standing upon a plaintiff who suffers no concrete harm, and who therefore could not otherwise invoke the jurisdiction of a federal court, by authorizing a private right of action based on a bare violation of a federal statute.

In our case, however, named plaintiff Regmon Hawkins has alleged harm going well beyond the bare violation of a federal statute. Thus, notwithstanding the Supreme Court's decision in *Spokeo*, plaintiff's case will move forward and discovery will proceed. Defendant's motion for a stay of discovery is **DENIED**.

1 It is conceivable, however, that the Supreme Court's decision in *Spokeo* could affect the  
2 construction of a potential class at the Rule 23 stage. Currently, plaintiff's motion for class  
3 certification is due on February 4, 2016, to be heard on the normal 35-day track. The case  
4 management order shall be modified as follows: Plaintiff's class certification motion shall be  
5 due on **FEBRUARY 4 OR TWENTY-ONE CALENDAR DAYS AFTER** the Supreme Court issues its  
6 decision in *Spokeo* — whichever comes later. To illustrate, if the Supreme Court hands down  
7 the *Spokeo* decision on January 31, then plaintiff's class certification motion will be due on  
8 February 21. If *Spokeo* comes down on January 1, then plaintiff's class certification motion  
9 will still be due on February 4.

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11 **IT IS SO ORDERED.**

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13 Dated: November 19, 2015.

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16 WILLIAM ALSUP  
17 UNITED STATES DISTRICT JUDGE  
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